[No. 156]

(SB 411)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 13.

The People of the State of Michigan enact:

CHAPTER XVII

777.13 Chapters 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(1)(e)	Property	E	Damage to state property involving \$1,000 to \$20,000 or with prior convictions	5
324,2157(1)(d)	Property	D	Damage to state property involving \$20,000 or more or with prior convictions	10
324.3115(2)	Pub saf	H	Waste discharge violations	2
324.3115(4)	Pub saf	G	Waste discharge violations— substantial endangerment	5
324.5531(4)	Pub saf	H	Knowingly releasing pollutants	2

324.5531(5)	Pub saf	G	Knowingly releasing pollutants— causing death or serious bodily injury	6
324.5531(6)	Pub saf	С	Knowingly releasing pollutants— resulting in death or serious	
324.8905(2)	Pub saf	Н	bodily injury Infectious waste/pathological	15
224 2227(2)	D 1 4	~	waste/sharps—littering violation	2
324,8905(3)	Pub saf	G	Infectious waste/pathological waste/sharps—littering violation—subsequent offense	5
324.11151(2)	Pub saf	Н	Hazardous waste violations— subsequent offense	2
324.11151(3)	Pub saf	Н	Hazardous waste violation—with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—with extreme indifference for human life	5
324.12116(2)	Pub saf	Н	Waste—false statement or entry	9
, ,			in a license application	2
324.20139(3)	Pub saf	Н	Hazardous waste—knowingly releases or causes the release	2
324,21324(1)	Pub saf	G	Underground storage tanks—	
004.01540(1)	D 1 4 4	TT	false or misleading information	5
324,21548(1)	Pub trst	Н	False statement, report, claim, bid, work invoice, or other request for payment	5
324.30316(3)	Pub saf	Н	NREPA violation—subsequent	o o
			offense	2
324.31525	Person	G	NREPA—imminent danger of	
			death or serious injury—	0
324.33939(1)	Pub trst	Н	subsequent offense NREPA violation for commercial	2
524.55555(1)	1 ub tist	11	purposes	2
324.40118(11)	Pub ord	G	Wildlife conservation—buying or	_
			selling protected animals—	
204 51100(0)	D 4		subsequent offense	4
324.51120(2)	Property	Н	Removing forest products over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.52908(1)(c)	Property	Ε	Damage to plant involving \$1,000 to \$20,000 or with prior	~
324.52908(1)(d)	Property	D	convictions Damage to plant involving \$20,000	5
024.02300(1)(U)	rroberty	D	or more or with prior convictions	10
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(3)	Pub ord	D	Removing or mutilating human	
			body from Great Lakes	4.0
			bottomland	10

324.76107(4)(c)	Property	Е	Recovering abandoned property in Great Lakes having value of \$1,000 to \$20,000 or with prior convictions	5
324.76107(4)(d)	Property	D	Recovering abandoned property in Great Lakes having value of \$20,000 or more or with prior convictions	10
324.80130d(1)	Pub ord	Н	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80130d(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide by vessel	2
324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	$\ddot{\mathrm{C}}$	Operating a vessel under the influence causing death	- 15
324.80176(5)	Person	Е	Operating a vessel under the influence causing serious impairment	5
324.80177(1)(c)	Pub saf	Е	Operating a vessel under the influence—third or subsequent offense	5
324.80319a(1)	Pub ord	Н	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80319a(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.81120(1)	Pub ord	Н	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.81120(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
324.81134(6)	Pub saf	Е	Operating an ORV under the influence—third or subsequent offense	15 5
324.81134(7)	Person	\mathbf{C}	Operating an ORV under the influence causing death	15
324.81134(8)	Person	Е	Operating an ORV under the influence causing serious impairment	5
			шраншеш	Ð

324.82126c(1)	Person	G	Operating a snowmobile carelessly or negligently causing death or serious impairment	2
324.82126c(2)	Person	G	Operating a snowmobile without regard to safety causing serious impairment	2
324.82127(4)	Person	C	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	Е	Operating a snowmobile under the influence causing serious impairment	5
324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence—third or subsequent offense	5
324.82160(1)	Pub ord	Н	False representation to obtain personal information	4
324.82160(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.82160(3)	Pub ord	С	False representation to obtain personal information—third or subsequent offense	15
328.232	Property	E	Conversion of funeral contracts	15 5
333.2685	Person	E	Use of a live human embryo, fetus	9
		_	for nontherapeutic research	5
333.2688	Person	Е	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	\mathbf{E}	Abortion to obtain embryo	5
333.2690	Person	\mathbf{E}	Sale or delivery of fetus or embryo	5
333.2813(3)	Pub trst	F	Unauthorized disclosure of social security number—subsequent offense	4
333,2835(9)	Pub trst	G	Disclosing confidential information— abortion	3
333,5210	Person	F	AIDS—sexual penetration with uninformed partner	4
333,5661	Person	F	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture of imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 650 or more grams of certain schedule 1 or 2 controlled substances	Life
333.7401(2)(a)(ii)	CS	A	Delivery or manufacture of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances	30
333.7401(2)(a)(iii)) CS	В	Delivery or manufacture of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled	
			substances	20

333.7401(2)(a)(iv) CS	D	Delivery or manufacture of less	
			than 50 grams of certain schedule 1 or 2 controlled substances	20
333.7401(2)(b)(<i>i</i>)	CS	В	Delivery or manufacture of	20
555.1401(2)(D)(t)	CB	Б	methamphetamine	20
333.7401(2)(b)(ii)	CS	E	Delivery or manufacture of certain	20
555.1101(2)(5)(66,	, 66	ь	schedule 1, 2, or 3 controlled	
			substances	7
333.7401(2)(c)	CS	\mathbf{F}	Delivery or manufacture of	
			schedule 4 controlled substance	4
333.7401(2)(d)(i)	CS	\mathbf{C}	Delivery or manufacture of 45 or	
			more kilograms of marijuana	15
333.7401(2)(d)(ii)) CS	D	Delivery or manufacture of 5 or	
			more but less than 45 kilograms	
			of marijuana	7
333.7401(2)(d)(iii	i) CS	\mathbf{F}	Delivery or manufacture of less	
			than 5 kilograms or 20 plants of	4
999 7401/9\/ \	aa	C	marijuana	4
333.7401(2)(e)	CS	G	Delivery or manufacture of schedule 5 controlled substance	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an	4
555.1401(2)(1)	CS	D	official or counterfeit	
			prescription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture of	_0
333.7.101(=)(8)		_	prescription or counterfeit form	
			(other than official)	7
333.7401a	Person	В	Delivering a controlled substance	
			or GBL with intent to commit	
			criminal sexual conduct	20
333.7401b(3)(a)	CS	\mathbf{E}	Delivery or manufacture of GBL	7
333.7401b(3)(b)	CS	G	Possession of GBL	2
333.7401c(2)(a)	CS	D	Operating or maintaining	
			controlled substance laboratory	10
333.7401c(2)(b)	CS	В	Operating or maintaining	
			controlled substance laboratory	20
222 7401 (2)(2)	CS	В	in presence of minor	20
333.7401c(2)(c)	CS	В	Operating or maintaining controlled substance laboratory involving	
			hazardous waste	20
333.7401c(2)(d)	CS	В	Operating or maintaining controlled	20
555.1101C(2)(d)	CD	Ь	substance laboratory near certain	
			places	20
333.7401c(2)(e)	CS	A	Operating or maintaining controlled	
			substance laboratory involving	
			firearm or other harmful device	25
333.7402(2)(a)	CS	D	Delivery or manufacture of certain	
			imitation controlled substances	10
333.7402(2)(b)	CS	\mathbf{E}	Delivery or manufacture of	
			schedule 1, 2, or 3 imitation	_
			controlled substance	5

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$\begin{array}{c} \text{schedule 1 or 2 controlled substances} & 20 \\ 333.7403(2)(a)(iv) \text{ CS} & G & Possession of 25 \text{ or more but less} \\ & & than 50 \text{ grams of certain schedule} \\ & & 1 \text{ or 2 controlled substances} & 4 \\ 333.7403(2)(a)(v) \text{ CS} & G & Possession of less than 25 \text{ grams} \\ & & & \text{of certain schedule 1 or 2 controlled} \\ & & & \text{substances} & 4 \\ 333.7403(2)(b)(i) \text{ CS} & D & Possession of methamphetamine} & 10 \\ 333.7403(2)(b)(ii) \text{ CS} & G & Possession of certain schedule 1, 2,} \end{array}$	at less schedule es 4
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333.7403(2)(b)(ii) CS G Possession of certain schedule 1, 2,	4
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	ale 1, 2,
3, or 4 controlled substances or	es or
controlled substances analogue 2	
333.7403(2)(e) CS H Possession of official prescription	-
form 1	-
333.7405(a) CS G Controlled substance violations by	
licensee 2	
333.7405(b) CS G Manufacturing or distribution violations by licensee 2	
8	
333.7405(d) CS G Maintaining drug house 2 333.7407(1)(a) CS G Controlled substance violations by	-
·	
333.7407(1)(b) CS G Use of fictitious, revoked, or	•
	4
333.7407(1)(c) CS G Obtaining controlled substance by	4 r
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333.7407(1)(d) CS G False reports under controlled	r 4 nce by
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333.7407(1)(e) CS G Possession of counterfeiting	4 r 4 nce by 4
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333.7410a	CS	G	Controlled substance offense or offense involving GBL in or	
			near a park	2
333.10204(1)	Pub ord	F	Transferring a human organ for	4
555.10204(1)	1 ub oru	r	valuable consideration	4
333.10204(4)	Pub saf	F		4
555.10204(4)	rub sai	Г	Removal of a human organ by an unauthorized individual	4
222 1020	Pub saf	F		4
333.10205	Pub sai	Г	Removal of a human organ in an	4
000 10500(0)	D.I. C	173	unapproved facility	4
333.13738(2)	Pub saf	\mathbf{F}	Waste disposal violations—second	-
999 19590(9)	D 1 6		offense	5
333.13738(3)	Pub saf	\mathbf{F}	Disposing of waste—indifference	0
	D 1 4		to human life	2
	Pub saf	В	Disposing of waste—extreme	
		_	indifference to human life	20
333.16170(3)	Pub trst	\mathbf{F}	False representation—health	
			professional recovery program	4
333.16294	Pub saf	\mathbf{F}	Health profession—unauthorized	
			practice	4
333.17766a(2)	CS	\mathbf{F}	Possession of steroids—subsequent	
			offense	4
333.17766a(3)	$^{\mathrm{CS}}$	\mathbf{E}	Delivery or manufacture of steroids	7
333.17766a(4)	$^{\mathrm{CS}}$	G	Delivery of imitation steroids	7
333.17766c(2)	$^{\mathrm{CS}}$	G	Possession of more than 10 grams	
			ephedrine	2
333.20142(5)	Pub trst	\mathbf{F}	False statement—application	
			licensure health facility	4
333.21792	Pub trst	G	Nursing homes—referral fees/	
			bribing officials/accepting bribes	4
338.1053	Pub trst	\mathbf{F}	Private security business and	
			security alarm act violation	4
338.3434a(2)	Pub trst	\mathbf{F}	Unauthorized disclosure of a social	
` ′			security number—subsequent	
			offense	4
388.936	Pub trst	\mathbf{F}	Knowingly making false	
			statement—school district loans	4
388.962	Pub trst	\mathbf{F}	Knowingly making false	-
	_ 0.0 01.00	-	statement—school district loans	4
				-

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2002.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 410 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved November 5, 2001.

Filed with Secretary of State November 5, 2001.

Compiler's note: Senate Bill No. 410, referred to in enacting section 2, was filed with the Secretary of State November 5, 2001, and became P.A. 2001, No. 155, Eff. Jan. 1, 2002.